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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/935,155	08/22/2001	Eberhard Holl	10191/1898	9226	
26646	7590 09/27/2002				
KENYON & KENYON			EXAMINER		
ONE BROADWAY NEW YORK, NY 10004		PEZZLO, B	ENJAMIN A		
			ART UNIT	PAPER NUMBER	
			3683	<del>-</del> -	
			DATE MAILED: 09/27/2002	!	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
	<del></del>	09/935,155	HOLL	P
•	Office Action Summary	Examiner	Art Unit	
4	\$4	Benjamin A Pezzlo	3683	
Period fo	The MAILING DATE of this communication ap or Reply	1		} <b></b>
THE I - Externanter - If the - If NO - Failu - Any I	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statutively received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a rep by within the statutory minimum of thirty ( will apply and will expire SIX (6) MONTH e, cause the application to become ABAI	ly be timely filed  30) days will be considered timely.  IS from the mailing date of this communi	ication.
1)	Responsive to communication(s) filed on			
2a) <u></u> □	This action is <b>FINAL</b> . 2b) TI	nis action is non-final.		
3) <u></u> Dispositi	Since this application is in condition for allow closed in accordance with the practice under on of Claims			rits is
4)⊠	Claim(s) 1-13 is/are pending in the applicatio	n.		
	4a) Of the above claim(s) is/are withdra	wn from consideration.		
5)	Claim(s) is/are allowed.			
	Claim(s) is/are rejected.			
	Claim(s) is/are objected to.			
<u> </u>	Claim(s) <u>1-13</u> are subject to restriction and/or	election requirement.		
	on Papers	1		
9) 🔲 🤈	The specification is objected to by the Examine	er.		
10) 🔲 -	The drawing(s) filed on is/are: a)□ acce	pted or b) objected to by the	Examiner.	
	Applicant may not request that any objection to the	e drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).	
11) 🔲 🧻	The proposed drawing correction filed on	_ is: a)∏ approved b)∏ dis	approved by the Examiner.	
	If approved, corrected drawings are required in re	ply to this Office action.		
12)	The oath or declaration is objected to by the Ex	kaminer.		
Priority L	ınder 35 U.S.C. §§ 119 and 120			
13)	Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. §	119(a)-(d) or (f).	
a)[	☐ All b) ☐ Some * c) ☐ None of:			
	1. Certified copies of the priority document	ts have been received.		
	2. Certified copies of the priority document	ts have been received in App	olication No	
* S	3. Copies of the certified copies of the prior application from the International Buse the attached detailed Office action for a list	ıreau (PCT Rule 17.2(a)).	•	е
14) 🗌 A	cknowledgment is made of a claim for domest	ic priority under 35 U.S.C. §	119(e) (to a provisional appli	ication).
_a	)  The translation of the foreign language process Acknowledgment is made of a claim for domes	ovisional application has bee	n received.	,
1) Notice 2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s) _	5) Notice of Info	mmary (PTO-413) Paper No(s) ormal Patent Application (PTO-152)	<u> </u>
S. Patent and Tr TO-326 (Re		ction Summary	Part of Pape	r No. 4

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## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species	Claims
1	1-4 and 11
2	5-7 and 9, 10, and 12
3	8 and 13

- 2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.
- 3. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

## **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Pezzlo whose telephone number is (703) 306-4617. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BAP September 25, 2002

SUPERVISORY PATENT EXAMINER

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